

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
January 16, 2003

I. OPENING OF MEETING AT 9:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

George E. Richards, Chairman; John M. Dorgan, Dan P. Fabrizio, and Barbara J. Peterson, Commissioners; Robert B. Powers and Leonard F. Sacks of the Commission staff.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD DECEMBER 19, 2002

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD DECEMBER 19, 2002. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

IV. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS OF DISMISSAL FILED WITH THE COMMISSION. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

V. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois.

Present: George E. Richards, Chairman; John M. Dorgan, Dan P. Fabrizio, and Barbara J. Peterson, Commissioners; Sue Gowen, Department of Central Management Services; Robert B. Powers and Leonard F. Sacks of the Commission staff.

VI. APPEALS TERMINATED WITHOUT DECISION

Listed below for the record is a summary of appeals in which termination was achieved by action other than formal decision by the Commission. All records pertaining to the appeals are a matter of record in the Commission files.

Dismissals

<u>Name</u>	<u>Title</u>	<u>Department</u>
Johnson, Delinda	Mental Health Tech II	Human Services

Request for hearing filed: 11/25/02

RESULTS: Employee withdrew appeal. Case closed by letter dated December 20, 2002.

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER.**

**AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

Ramirez, Peter	Sr. Public Service Administrator	Commerce and Community Affairs
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Request for hearing filed: 4/5/02

RESULTS: Advised by Administrative Law Judge Leonard F. Sacks that case has been settled. Case closed by letter dated December 30, 2002. Stipulation to Dismiss filed with Commission January 2, 2003. The parties have settled and compromised the differences that existed between them and agreed to stipulate to dismiss the above-captioned matter with prejudice.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER.**

**AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

VII. APPEALS DENIED - DISMISSAL

Patricia A. Smith

On December 3, 2002, the Commission received a letter from Patricia A. Smith requesting a hearing concerning her separation from employment with the Department of Human Services. The Personnel Code and Rules require that an employee file a request for hearing no later than 15 days after receipt of the approved charges for discharge. Staff investigation disclosed that Ms. Smith received such charges on November 7, 2002, but her request was not deposited in the United States mail until November 25, 2002, 18 days following service of the charges. In addition, appeal was sent to the wrong address (CMS) and was sent with insufficient postage. Therefore, Ms. Smith was advised by letter dated December 27, 2002 that the Commission is without jurisdiction to grant her a hearing.

**IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

VIII. APPEALS FILED UNDER RULE 6 OF THE COMMISSION RULES

Sam W. Jordan

On October 17, 2002 the Commission received an appeal from Sam W. Jordan, who was laid off from the Department of Human Services as a Casework Manager at the Auburn Park Local Office.

The employee complained that "Human Services did not follow CMS Rules, Subpart J, Section 500, Section #302.520, Section #302.530, and Section #302.570, as it pertains to layoffs. Secondly, the Department of Human Services violated CMS Rules, Subpart J, Section 302.500 (Voluntary Reduction of Certified and Probationary Employees), and Section 302.570 (Re-Employment Lists)." The employee was notified by letter dated December 23, 2002 that the staff would recommend that his layoff appeal be denied.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO CONCUR WITH THE STAFF DECISION IN THE ABOVE MATTER. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	117	6
Agriculture	517	8
Arts Council	23	1
Banks and Real Estate	274	2
CMS	1,187	7
Children and Family Svc	3,734	29
Comm. & Comm. Affairs	503	20
Corrections	14,495	104
Deaf & Hard of Hearing Comm.	8	1
Dev. Disabilities Council	13	1
Elections Board	57	1
Employment Security	2,140	10
Environmental Protection	1,182	4
Financial Institutions	95	4
Guardianship and Advocacy	118	6
Historic Preservation Agency	219	2
Human Rights Commission	11	2
Human Rights Department	149	5
Human Services	16,108	39
Industrial Commission	162	8
Insurance	371	4
Investment Board	5	1
Labor	87	7
Labor Relations Board Educational	23	2
Labor Relations Board State	24	2
Law Enf. Trng. & Standard Bd.	25	1
Liquor Control Commission	75	3
Lottery	229	7
Medical District Commission	5	1
Natural Resources	1,704	22
Pollution Control Board	30	3
Professional Regulation	258	9
Property Tax Appeal Board	41	2
Public Aid	2,405	14
Public Health	1,110	17
Revenue	2,241	30
State Fire Marshal	146	3
State Police	1,684	4
State Police Merit Board	6	1
State Retirement System	74	1
Veterans Affairs	1,162	2
<b>TOTALS</b>	<b>52,817</b>	<b>396</b>

IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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IX. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE (Continued)

C. Department of Natural Resources – Rescission of 4d(3) Exemption

The Department has withdrawn its request for rescission of the following position:

Position Title:	Senior Public Service Administrator
Position Number:	40070-12-05-400-00-01
Division:	Office of Fiscal Management
Supervisor:	SPSA (40070-12-05-000-00-01)
Location:	Sangamon County (084)
Incumbent:	John Schmitt

D. Illinois State Police - Proposed Exemption

The following recommendation and supporting materials were received from the Director of Central Management Services.

C O P Y

Dear Director Powers:

Illinois State Police Director Nolen has asked that a new Senior Public Service Administrator, Option 7 position be made exempt under provisions of Section 4d(3) of the Personnel Code. This position is responsible for all matters affecting the security of the Governor and the first family. This position will exercise considerable decision-making latitude and independence with respect to the policies and procedures determining the security of the principal. I have reviewed Director Nolen's request and recommend that the Commission to consider this position for exemption:

Position Title:	Senior Public Service Administrator
Position Number:	40070-21-00-400-00-01
Division:	Executive Security/Director's Office
Incumbent:	New Position
Supervisor:	Thomas Ceja
Location:	Springfield

I have enclosed a copy of the position record together with Director Nolen's letter of request and a copy of the agency's organization chart. If you require additional information, please contact Marianne Armento at 782-5601 in the Division of Technical Services.

END OF COPY

January 16, 2003

COPY

Dear Director White:

The Illinois State Police is proposing the exemption of a new Senior Public Service Administrator, Option 7 position (number 40070-21-00-400-00-01) as provided in Section 4d(3) of the Personnel Code. This position is attached to my office in Springfield and is responsible for all matters affecting the security of the Governor and the first family, as well as elected constitutional officials, visiting dignitaries, and candidates for public office.

This position will exercise considerable decision-making latitude and independence with respect to the policies and procedures determining the security of the principal. Due to the nature and scope of the duties of this position, as well as the sensitivity of the issue they encounter, I am requesting this position be granted exempt status. Enclosed are a position description and an organizational chart of our agency.

Your early review and positive presentation of this proposal to the Civil Service Commission will be greatly appreciated. If additional information is needed, please advise Ms. Katherine Parmenter, Chief, Human Resources Bureau, so that we may respond most effectively and expeditiously.

END OF COPY

Staff Analysis

This position acts as the chief of executive security for the Agency and reports directly to the Director. The position will exercise considerable decision-making latitude and independence with respect to the policies and procedures regarding matters of executive security, and accordingly, meets the requirements of Commission Rule 11. Staff recommended this request be granted.

**HAVING MET THE REQUIREMENTS FOR EXEMPTION UNDER COMMISSION RULE 11, IT WAS MOVED BY COMMISSIONER FABRIZIO, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION:**

Position Title:	Senior Public Service Administrator
Position Number:	40070-21-00-400-00-01
Division:	Executive Security/Director's Office
Incumbent:	New Position
Supervisor:	Thomas Ceja
Location:	Springfield

X. AMENDMENTS IN CLASS SPECIFICATIONS

A. Recommendations for Commission Action

The class specifications for the following classes, submitted by the Director of Central Management Services, were found satisfactory.

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO APPROVE THE CLASS SPECIFICATIONS FOR THE FOLLOWING CLASSES, TO BE EFFECTIVE FEBRUARY 1, 2003. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

Abolitions

Computer Information Consultant Trainee  
Computer Systems Software Specialist Trainee

**IT WAS MOVED BY COMMISSIONER DORGAN, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION UNANIMOUSLY ADOPTED TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**

XI. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services consecutive non-merit report as of December 31, 2002.

	<u>11-30-02</u>	<u>12/31/02</u>
Agriculture	2	3
Central Management Ser.	6	6
Comm. & Comm. Affairs	1	2
Emergency Management Agency	1	0
Historic Preservation	2	1
Human Services	1	2
Labor Relations Bd. Educ.	2	2
Natural Resources	29	43
Transportation	<u>12</u>	<u>13</u>
	56	72





January 16, 2003

**ANNOUNCEMENT OF NEXT MEETING**

Announcement of the next regular meeting to be held on Thursday, February 20, 2003 at 9:00 a.m. in the Commission's Chicago Office.

**MOTION TO ADJOURN**

**IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DORGAN, AND THE MOTION UNANIMOUSLY ADOPTED TO ADJOURN THE MEETING. AYES: RICHARDS, DORGAN, FABRIZIO, AND PETERSON. NAYES: NONE.**